April 30, 1976

MEMORANDUM TO THE FILE

FROM: David Spiegel

RE: MUR 100

This complaint was received by the Commission on 4/26/76. The Commission is not a party to the action and no response is requested. Accordingly, we have made no response.

7704001368

FEDERAL ELECTION COMMISSION
GENERAL FILE COPY
OFFICE OF GENERAL COUNSEL

To be lodged with the Federal Elections Commission ~~and brought to the attention of~~ John H. Murphy, Jr., Gen'l Counsel and Andrew Athy, Asst. to Gen'l Counsel. MUR 100

JOSEPH A. RYAN
Suite 303, 116 S. King Street
Honolulu, Hawaii 96813
Tel. No. 533-2487

Plaintiff, pro se

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF HAWAII

JOSEPH A. RYAN, Plaintiff, vs. GULF OIL CORPORATION, a multinational corporation, HUBERT H. HUMPHREY, aka "UNCOMMITTED", DANIEL K. INOUYE, GEORGE R. ARIYOSHI, RONALD Y. AMEMIYA, MINORU HIRABARA, Chairman of the Democratic State Central Committee of Hawaii, and THE HAWAII DEMOCRATIC PARTY, Defendants.	CIVIL NO. 76-015 V COMPLAINT and SUMMONS

COMPLAINT

1. This action arises under the Constitution and the laws of the United States, in particular Article III, Article IV, Section 2, Article VI, Amendment XIV, Sections 1 and 3, the inalienable right of qualified citizens to vote, in addition to the right as guaranteed by Amendment XV. Jurisdiction is invoked under 28 U.S.C., Section 1331(a), in that the matter in controversy exceeds the sum or value of $10,000, exclusive of interest and costs. It arises under the Constitution and laws of the United States including the Federal Election Campaign Act, 2 U.S.C., Section 431, and related sections. Jurisdiction is also invoked pursuant to 28 U.S.C.,

EXHIBIT "A"

Section 1343(3), as a suit in equity under 42 U.S.C., Sections 1983 and 1988.

2. Plaintiff brings this action as a qualified and registered member of the Democratic Party in the State of Hawaii. He is also a duly qualified candidate for the Democratic Party Presidential nomination. He is also a candidate in the Hawaii Democratic Party Presidential Preference Poll conducted on March 9, 1976, throughout the State of Hawaii. Plaintiff is a citizen of the United States and a resident of the State of Hawaii.

3. Defendant GULF OIL CORPORATION, upon information and belief, is a supernatural creature with everlasting life, possessed of power to inject itself into affairs of human beings. It controls said human affairs without detection, at times. Said creature was created by State laws, is known as a "Big Corporation" or "Multinational Corporation". Although its principal office is in Pittsburgh, Pennsylvania, said creature can be anywhere in its invisible form through human agents.

4. Defendant HUBERT H. HUMPHREY, also known as "UNCOMMITTED", is a Senator of the United States, a former Vice-President of the United States, and a resident of Minnesota. He is now and has been, illegally campaigning for the Democratic Party Presidential Nomination under the alias and disguise "UNCOMMITTED".

5. Defendant DANIEL K. INOUYE, is a Senator of the United States. He spends considerable time in Washington, D.C., and elsewhere. He maintains a domicile in the State of Hawaii for voting and other purposes. He claims he is a delegate to the Democratic National Convention

to be held in New York City, New York, beginning on July 6, 1976.

6. Defendant GEORGE R. ARIYOSHI, is a resident of the State of Hawaii. He is the Governor of the State of Hawaii. He claims he is a delegate to the National Democratic Convention to be held as aforesaid.

7. Defendant RONALD Y. AMEMIYA, is a resident of the State of Hawaii. He is an administrative officer of the State of Hawaii. He was duly appointed Attorney General of the State of Hawaii by Defendant George R. Ariyoshi aforesaid. He claims he is a delegate to the National Democratic Convention as aforesaid.

8. Defendant MINORU HIRABARA, is a resident of the State of Hawaii. He is the Chairman of the Central Committee of the Hawaii Democratic Committee. He is sued herein in his capacity as State Chairman of the Hawaii Democratic Party. He claims he is a delegate to the National Democratic Convention as aforesaid.

9. Defendant THE HAWAII DEMOCRATIC PARTY, is an organization in Hawaii with headquarters at 33 South King Street, Room 216, Honolulu, Hawaii.

10. Defendant Gulf Oil Corporation, aforesaid, through its paid lobbyists, agents and representatives, has made contributions of tens of thousands of dollars, which said payments were criminal violations of the laws of the United States, to Defendants Hubert H. Humphrey, also known as "Uncommitted", Daniel K. Inouye, and other Senators and Representatives of the Congress of the United States. Said contributions have been made with the intention of unlawfully controlling the selection of the person who will be elected President of the United States in 1976.

Defendants Humphrey, Inouye, Ariyoshi, Amemiya, and Hirabara, acting in concert and with the intent of furthering the scheme, plan and design of Defendant Gulf Oil Corporation aforesaid, dominated, controlled, commanded, and overpowered the Hawaii Democratic Party and made said Hawaii Democratic Party the tool and instrument of Defendants for said unlawful purposes.

11. As part of the scheme and plan, the Hawaii Democratic Party, controlled and dominated by Defendants, published and circulated a form which said form was referred to as a "Ballot". Said "Ballot" was in the following form:

"DEMOCRATIC PARTY CANDIDATES FOR PRESIDENT"

1. BIRCH BAYH
2. ROBERT C. BYRD
3. JAMES E. CARTER
4. FRED HARRIS
5. HENRY M. JACKSON
6. JOSEPH A. RYAN
7. MILTON J. SHAPP
8. R. SARGENT SHRIVER
9. MORRIS K. UDALL
10. GEORGE C. WALLACE
11. UNCOMMITTED
12. _____
(Write in)

12. The ballot aforesaid was a part of the fraudulent scheme and plan in that Defendants knew that "UNCOMMITTED" was the manner, style and way that Hubert H. Humphrey was appearing on the ballot.

13. In addition to the aforesaid overt acts, in furtherance of said plan and scheme, Defendants so dominated, controlled and overpowered the Hawaii Democratic Party that they prohibited the rank and file of the Party to vote or take part in the Presidential Primary unless said person

was on a roster designated as "Card Carrying Members".

14. The list of "Card Carrying Members" as maintained included approximately 27,000 names and addresses or about 1/4 of the registered Democratic Party in the State of Hawaii. Plaintiff was required and did use, at great expense, time and effort, this aforesaid list of "Card Carrying Members" in order to campaign and communicate with the limited number of Democratic Party Members who would be allowed to vote. However, although Plaintiff mailed 400 letters to the alleged card carrying members, the United States Postal authorities returned that part of the mail addressed to 270 or more as being undeliverable at said addresses. In addition thereto, many of the so-called "Card Carrying Members" were actually registered in the Republican Party.

15. Defendants, in carrying out their scheme in the meantime, were not confined to the use of the aforesaid fraudulently defective and deceptive list of card carrying members. Instead, they used the list of party members on the public payrolls over which they had control.

16. Defendants so controlled and manipulated the aforesaid Presidential Poll that a minuscular 2,861 people turned out to vote in the Presidential Poll. Others, who were rank and file members and who wished to participate in the Presidential Poll, were not allowed to vote. In the meantime, those who were allowed to vote were preselected as likely to allow themselves to be subjected to overt and covert forms of coercion, intimidation and oppression. Most were denied the right of secret ballot by Defendants acting in concert and combination and in

furtherance of their scheme to compel and require everyone to vote for Defendant Hubert H. Humphrey who was secretly running under the name of "UNCOMMITTED".

17. Defendant Ronald Y. Amemiya was not listed as a card carrying member in New District 12, New Precinct 1. Nevertheless, he took over the Presidential Poll at said precinct and tried to compel those present to vote for Hubert H. Humphrey who was on the ballot as "UNCOMMITTED", as aforesaid.

18. As part of the scheme and plan, Defendants, by word of mouth, spread a false statement at the polling places that the Hawaii Democratic Presidential Preference Poll was not binding on anyone and had no legal effect but was only a "straw" vote. In truth and in fact, said Presidential Preference Poll was and is binding on the first call of the roll at the National Democratic Party Convention to be held on June 6, 1976, in the State, County and City of New York, and may be the decisive vote in the selection of and election of the next President of the United States of America.

19. As a result of the misconduct of Defendants as aforesaid, Plaintiff has been injured and damaged in the sum of $100,000. His right to participate in the lawful selection and election of the next President of the United States has been denied him. The Democratic Party of the State of Hawaii, of which he is a member, has been overcome and controlled by Defendants illegally acting in concert. The Democratic Presidential Preference Poll conducted in the State of Hawaii on March 9, 1976, has been and is a fraud on Plaintiff and the

other nine named official candidates and a fraud upon the People of the State of Hawaii and of the United States. Plaintiff has exhausted all administrative remedies.

WHEREFORE, Plaintiff prays the Court will take jurisdiction of this matter, advance the cause to an early calendar date, and

a. Declare the Hawaii Democratic Party Presidential Preference Poll, as planned and thereafter conducted on March 9, 1976, to be void and contrary to law, order the results thereof stricken and order another poll taken, at which said poll the entire rank and file of the registered Democratic Party shall be allowed to participate.

b. Declare the list or roster of the "Card Carrying Membership" of the Hawaii Democratic Party void, to be false, and a fraud on the public, Plaintiff, and the candidates for public office.

c. Enforce a trust upon the Defendants, as officers of the Democratic Party of the State of Hawaii and the Democratic Party of the State of Hawaii for the benefit of the rank and file registered members of the Democratic Party, and require them to notify the rank and file in the Democratic Party of their right to participate in the Presidential Preference Poll.

d. Award Plaintiff general damages of $100,000, attorney's fees and costs and such special damages as established at trial.

DATED: Honolulu, Hawaii, April 22, 1976.

JOSEPH A. RYAN
Suite 303, 116 S. King Street
Honolulu, Hawaii 96813
Plaintiff, pro se

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SUMMONS IN A CIVIL ACTION

CIV. 1 (2-64)
(Formerly D.C. Form No.45a Rev. (6-49))

United States District Court

FOR THE

DISTRICT OF HAWAII

CIVIL ACTION FILE NO. _____

JOSEPH A. RYAN,

Plaintiff

v.

GULF OIL CORPORATION, a multinational corporation, HUBERT H. HUMPHREY, aka "UNCOMMITTED", DANIEL K. INOUYE, GEORGE R. ARIYOSHI, RONALD Y. AMEMIYA, MINORU HIRABARA, Chairman of the Democratic State Central Committee of Hawaii, and THE HAWAII DEMOCRATIC PARTY,

Defendants

SUMMONS

To the above named Defendants :

You are hereby summoned and required to serve upon

JOSEPH A. RYAN

plaintiff's attorney , whose address

Suite 303, 116 S. King Street
Honolulu, Hawaii 96813

an answer to the complaint which is herewith served upon you, within 20 days after service of this summons upon you, exclusive of the day of service. If you fail to do so, judgment by default will be taken against you for the relief demanded in the complaint.

Clerk of Court.

Deputy Clerk.

Date:

[Seal of Court]

NOTE:—This summons is issued pursuant to Rule 4 of the Federal Rules of Civil Procedure.

7 7 0 4 0 0 1 3 6 8 9

RETURN ON SERVICE OF WRIT

I hereby certify and return, that on the day of 19 ,

I received this summons and served it together with the complaint herein as follows:

MARSHAL'S FEES

Travel $

Service

United States Marshal.

By

Deputy United States Marshal.

Subscribed and sworn to before me, a this

day of , 19 .

[SEAL]

Note:—Affidavit required only if service is made by a person other than a United States Marshal or his Deputy.

No. 76-0157

United States District Court
FOR THE
DISTRICT OF HAWAII

JOSEPH A. RYAN,
Plaintiff,
v.
GULF OIL CORPORATION,
a multinational corporation,
et al.,
Defendants

SUMMONS IN CIVIL ACTION

Returnable not later than 20 days after service.

JOSEPH A. RYAN
Attorney for Plaintiff

FPI 81—2-16-72-8000-7333

JOSEPH A. RYAN FOR PRESIDENT
P. O. Box 10050
Honolulu, Hawaii 96816

7704904

JOSEPH A. RYAN
FOR
PRESIDENT

APR 26 2:00 P.M

Federal Election Commission
1325 K. Street N.W
Washington, D.C. 20463

APR 23 1976 HI

United States 13c

1976

Mr. Joseph A. Ryan
P. O. Box 10050
Honolulu, Hawaii 96816

Dear Mr. Ryan:

I have received your complaint of March 11, 1976, alleging violations of 18 U.S.C. §§594, 597, 601 and 610. As for the alleged violations of §594, 597 and 601, I have reviewed your allegations and have concluded the Federal Election Commission does not have authority over the matters set forth. With respect to the alleged violation of §610, I have concluded that your complaint does not set forth sufficient facts to substantiate a possible violation of the Federal Election Campaign Act of 1971, as amended. Accordingly, upon my recommendation, the Commission has decided to close its files in this matter.

Should additional information come to your attention which you believe to be within the jurisdiction of the Commission, please contact me again. The attorney who was assigned to this matter was Andrew Athy (Telephone No. 202-382-4055).

Sincerely yours,

John G. Murphy, Jr.
General Counsel

Rev'd at 4/1/76
Comm. Meeting (last Par.)

MUR 100

7704001369

FEDERAL ELECTION COMMISSION
1325 K STREET N.W.
WASHINGTON, D.C. 20463

COMMISSIONER Joan D. Aikens

MUR NO. 100 (76)

1. Re Counsel's Recommendation:

APPROVE [✓]

HOLD [ ]

ABSTAIN [ ]

2. Re Correspondence Proposed:

APPROVE [✓]

HOLD [ ]

ABSTAIN [ ]

DATE: 3/31/76

J D Aikens
Signature

ABSTENTION STATEMENT:

(Forms to be returned to Patty Clark)

7704021569

DATE AND TIME OF REPORT: 3/31/76 10:00 am

NO. MUR 100 (76)

REC'D: 3/15/76

FEDERAL ELECTION COMMISSION
Washington, D. C.

Complainant's Name: Joseph A. Ryan

Respondent's Name: Hon. Minoru Hirabara, Chairman, Democratic State Central Committee of Hawaii

Relevant Statute: 18 U.S.C. §§594, 597, 601, 610

Internal Reports Checked:

Federal Agencies Checked:

SUMMARY OF ALLEGATION

The Democratic Presidential Preference Poll conducted in Hawaii on March 9, 1976, involved "intimidation, coercion, [and] restraint of voters."

PRELIMINARY LEGAL ANALYSIS

The Commission lacks enforcement jurisdiction over §§594, 597 and 601. As for the 610 allegations, the complainant fails to provide any factual substantiation.

RECOMMENDATION

Close the file.

Date of Next Commission Review:

7704001 5095

To: Federal Election Commission: I submit this letter to you as a formal complaint and ask your office to have this Poll declared void.

Support your next President NOW!

Joseph A. Ryan

JOSEPH A. RYAN for PRESIDENT

FEDERAL ELECTION COMMISSION
76 MAR 15 A 9:39

P.O. BOX 10050, HONOLULU, HAWAII 96816

March 11, 1976

HON. MINORU HIRABARA, CHAIRMAN
DEMOCRATIC STATE CENTRAL COMMITTEE OF HAWAII
Suite 216, Bishop Insurance Building
33 S. King Street,
Honolulu, Hawaii, 96813

Re: Presidential Preference Poll of March 9, 1976

Dear Sir:

I hereby enter a formal complaint to you and to the Federal Election Commission and the National Democratic Party and I respectfully request that you and each of you declare the Presidential Preference Poll conducted in Hawaii on March 9, 1976 to be null and void. I further request that an order be entered before the National Democratic Convention that none of the delegates from Hawaii be seated until a full public enquiry be made into the legality of the manner in which the Presidential Preference Poll was conducted. I further ask that all the ballots and rosters of those present at the Precincts be impounded.

I have been informed that the precincts were so disorganized and their officers so uninformed that no one appeared at those precincts at the time of the Presidential Preference Poll.

I have been informed that some Presidents of some Precincts took the ballots of the Presidential Preference Poll into the neighborhoods the next day to allow those who did not appear at the voting places to cast their preferences.

I have been informed that registered Democrats were not allowed to vote in the Presidential Preference Poll because they were not "Card Carrying Members of the Democratic Party". Although the CBS, Inc. records show that 101,409 Democratic votes were recorded for Candidate McGovern in 1972 (Nixon received 168,865) less than 2500 persons were permitted to vote in the Hawaii Presidential Preference Poll. Apparently there was an invidious form of intimidation, coercion or restraint placed upon the registered Democratic Party members that resulted in such a minuscular poll. Obviously something is terribly wrong.

I have compared the Floria turn-out (95% of precincts reporting) of 1,216,852 as reported by the Honolulu, Advertiser with Hawaii's Democratic turn-out of the same date March 9, 1976,

Democratic State Central Committee of Hawaii
RE: Presidential Preference

and found that the aforesaid newspaper reported "An overwhelming percentage of the close to 2,000 card-carrying Democrats who attended the precinct meetings voted to send an uncommitted delegation." Although the ballot used required the "White Copy be forwarded to State Party Headquarters within 48 hours", the aforesaid newspaper report appears to be the only records available at this time, Thursday, March 11, 1976.

I have been further informed that many of the card-carrying members received their cards as a result of attending a $100 a-plate dinner which said $100 was paid for by a purchase of the ticket by corporations funds, or by firms depending upon corporation clients, and said expenditures were then written off as business expenses. The price of the card or dinner is a poll tax.

The minuscular poll is prima facie evidence that exclusivity exists and the selection of delegates and alternates to attend the State Convention should be set aside as a fraud on the Democratic Party of the State of Hawaii and the National Democratic Committee and in violation of the letter and spirit of the law and the General Laws of the Democratic Party of Hawaii.

The following Federal Laws appear to have been violated either directly or in spirit; Title 18 Sec. 610, 611, Title 18, Sec 594, 597, 601 and the related sections thereof.

Your attention to this matter is respectfully requested.

Very truly yours,

Joseph A. Ryan

Joseph A. Ryan

cc: FEDERAL ELECTION COMMISSION
NATIONAL DEMOCRATIC COMMITTEE
DANIEL K. INOUYE, U. S. SENATE
PATSY MINK, HOUSE OF REPRESENTATIVES
SPARK MATSUNAGA , HOUSE OF REPRESENTATIVES
EDWARD H. LEVI, ATTORNEY GENERAL

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